

## **REMARKS**

The Office Action mailed August 6, 2008 has been received and carefully noted. Claims 1-7 and 16-42 are currently pending in the subject application and are presently under consideration.

Claims 1-4, 22-32, 34-36, and 38-42 have been amended herein. Support for the amendments may be found in at least paragraph 0108 of the published Application (U.S. 2005/0058353). A listing of claims can be found on pages 2-17 of this Response.

Favorable reconsideration of the pending claims is respectfully requested in view of the amendments and the following comments.

**I. Rejection of Claims 1, 23-25, 28, 29, 31, 34, 35, and 42 Under 35 U.S.C. §112, second paragraph**

Claims 1, 23-25, 28, 29, 31, 34, 35, and 42 are rejected under 35 U.S.C. §112, second paragraph for issues of antecedent basis regarding the term “display unit.” Amendments were made to correct these issues; the Applicant respectfully requests that these rejections be withdrawn.

**II. Rejection of Claims 1-4, 22-32, 34-36, 38, 39, 41, and 42 Under 35 U.S.C. §102(a)**

Claims 1-4, 22-32, 34-36, 38, 39, 41, and 42 stand rejected under 35 U.S.C. §102(a) as being anticipated by Dekel *et al.* (U.S. 2002/0159653) (“Dekel”). It is requested that these rejections be withdrawn for at least the following reason. Dekel does not describe each and every element of the claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

*In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added). In particular, amended independent claim 1 recites:

An image processing apparatus, comprising:  
a block decompression unit to decompress, block by block,  
a compressed code having a plurality of blocks into which image

data is divided, the compressed code being encoded block by block; and

a rendering control unit to cause one or more of the blocks corresponding to a rendering region of a display unit to be *extracted based on a signal indicating the rendering region of the display unit*, and cause a part of the *compressed code* corresponding to the extracted one or more of the blocks to be *decompressed* by the block decompression part and rendered on the display unit.

(emphasis added). Claims 2-4, 22-32, 34-36, 38, 39, 41, and 42 are similarly amended. The Examiner refers to Dekel for describing image processing, but Dekel fails to disclose the claims as currently amended. Dekel discloses an “image streaming system for the transmission of images over a communication network” (See Dekel, Abstract). While Dekel discloses **decoding** an **encoded** stream of data blocks (See Dekel, paragraph 291; Office Action mailed August 6, 2008, pg. 3), **decoding** does not equate to **decompressing compressed code**, which is recited in the claims. In fact, Dekel’s image streaming system “*eliminates* the necessity to store a compressed version of the original image” (emphasis added) (See Dekel, Abstract, paragraph 0013) and thus clearly **does not disclose compression and subsequent decompression** of code corresponding to a signal indicating the particular region to be compressed/decompressed (See independent claims). Therefore, Dekel does not describe each and every element of the independent claims. Accordingly, it is respectfully requested that these rejections be withdrawn.

### **III. Rejection of Claims 5, 6, 33, 37, and 40 Under 35 U.S.C. §103(a)**

Claims 5, 6, 33, 37, and 40 stand rejected under 35 U.S.C. §103(a) as being obvious over Dekel, in view of Cohen *et al.* (U.S. 6,873,329) (“Cohen”). Claims 5, 6, 33, 37, and 40 each depend from one of the independent claims, thus incorporating their respective limitations thereof. For at least the above reasons regarding the amended independent claims, the cited references, combined, do not teach or suggest all the limitations of these dependent claims. The Applicant respectfully requests that these rejections be withdrawn.

### **IV. Rejection of Claims 16-21 Under 35 U.S.C. §103(a)**

Claims 16-21 stand rejected under 35 U.S.C. §103(a) as being obvious over Dekel, in view of the Examiner’s Official Notice. Claims 16-21 each depend from one of the independent

claims, thus incorporating their respective limitations thereof. For at least the above reasons regarding the amended independent claims, the cited references, combined, do not teach or suggest all the limitations of these dependent claims. Further, the Applicant traverses the Examiner's takings of Official Notice. The Examiner contends that each of the aspects in claims 16-21 are predictable and easily within the skill of the art (*See* Office Action mailed August 6, 2008, pg. 21).

To properly establish a *prima facie* case of obviousness based on facts asserted as common knowledge or by Official Notice, the Examiner must first establish that the facts that the Examiner intends to assert as common knowledge or take Official Notice of are suitable for such assertion. MPEP §2144.03 clearly sets forth that such facts must be "capable of instant and unquestionable demonstration as being well-known," as established by *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). The Applicant notes that the limitations of claims 16-21 are not "of instant and unquestionable demonstration as being well-known." These claims set forth various specific aspects as to how blocks used for dividing an image may be employed, *i.e.*, "a tile," "identical to a value defined by a profile," "a precinct," and "a code block" (*See* claims 16-21). The Office Action mailed August 6, 2008 provides no basis in which these particular characteristics are instantly and unquestionably well-known other than a statement that "[t]he result of such a combination would be predictable" (*See* Office Action mailed August 6, 2008, pg. 21), which is not a proper standard for a taking of Official Notice.

In addition, the Examiner has failed to establish these allegedly well known facts as part of the record as required by MPEP §2144.03 and *In re Zurko*, 59 USPQ2d 1693 (Fed. Cir. 2001). MPEP §2144.03 clearly sets forth that "[i]f such notice is taken, the basis for such reasoning must be set forth explicitly. The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge. *See Soli*, 317 F.2d at 946, 37 USPQ at 801; *Chevenard*, 139 F.2d at 713, 60 USPQ at 241." Further, as clarified in *In re Zurko*, "[w]ith respect to core factual findings in a determination of patentability, however, the Board cannot simply reach conclusions based on its own understanding or experience – or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings" (*See In re Zurko* at 1697). Thus, the assertion of Official Notice has not been

properly established by the Examiner and cannot be relied upon as a basis for a *prima facie* case of obviousness. The Applicant respectfully requests that these rejections be withdrawn.

**V. Allowable Subject Matter**

The Applicant notes with appreciation the Examiner's indication of allowable subject matter in claim 7 (*See* Office Action mailed August 6, 2008, pg. 23). In view of the above amendments and comments, it is believed that claims 1-6 and 16-42 also contain allowable subject matter and all pending claims are in condition for allowance.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (408) 720-8300.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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### CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on November 6, 2008.

  
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Angela Quinn 11-6-08